

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANTIEL SARAH ANDERSON
and TINA ANNMARIE ANDERSON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KIMBERLY RACHEL ANDERSON-HOLMES,

Respondent-Appellant,

and

JAMES VINCENT ROBINSON and BOBBY
RUFFIN,

Respondents.

UNPUBLISHED

October 30, 2007

No. 276467

Wayne Circuit Court

Family Division

LC No. 05-438914-NA

Before: Zahra, P.J., and White and O'Connell, JJ.

PER CURIAM.

Respondent Kimberly Rachel Anderson-Holmes appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The children were removed from respondent's care after the birth of the second minor child who, like her older sister, tested positive for cocaine at the time of her birth. Respondent agreed to a parent-agency agreement and services were provided, but after two years respondent still provided drug screens that tested positive for cocaine. At the time of the termination trial, respondent admitted that any drug screen provided by her that day would also test positive.

Respondent argues that we should reverse the termination order because she was provided inadequate or superficial mental health services by agencies that did not closely monitor her mental health despite being fully aware that she suffered from various mental illnesses. We disagree. "In general, when a child is removed from the parents' custody, the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan." *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192

(2005); see also MCL 712A.18f(1), (2), and (4). The reasonableness of services is relevant to the sufficiency of evidence for termination of a respondent's parental rights. *Fried, supra* at 541.

Respondent's argument that she was not provided sufficient mental health services fails for two reasons. To succeed on a claim that insufficient services were provided, a respondent must establish that she would have fared better if the petitioner offered other services. *Id.* at 543. In this case, respondent complains of interruptions in the mental health services that were provided to her, but she has not identified specific services that would have enabled her to overcome her drug dependency. It is not clear from the record what more the purchase-of-service provider could have effectively done to assist respondent in her mental health treatment. Further, the evidence establishes that, with the exception of the three months between May and August 2006, the agency offered respondent services, but she did not take full advantage of them. Most significantly, respondent failed to follow through on any referral made after August 2006. These failures indicate that the lack of improvement in respondent's mental health was attributable to her lack of efforts rather than a lack of reasonable efforts by any agency.

Next, the trial court did not clearly err in its determination of the children's best interests. This proceeding lasted two years without any improvement in respondent's management of her drug abuse. Although there was evidence of a strong bond between respondent and the older child (the younger child had been in foster care her entire life), the trial court properly found that the children needed permanency and stability in their young lives. Therefore, termination was not clearly contrary to their best interests. *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000).

Affirmed.

/s/ Brian K. Zahra
/s/ Helene N. White
/s/ Peter D. O'Connell